IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23620 of 2004

Between:

B.Vilas S/o.B.Rajeshwar Rao
Executive Director, Service Coop Society Ltd.,
Adilabad Dist.

..... PETITIONER

AND

1 The District Collector/Chairman District S.C.Service Coop Society

Ltd., Adilabad Dist.
2 The Executive Director District S.C.Service Coop Society Ltd.,
Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the second respondent in issuing the impugned proceedings No.SC/A1/89/2001, dt 18-4-2003 as confirmed by the first respondent in proceedings No.SC/A1/89/2001, dt 21-10-2004 as arbitrary and illegal and set aside the same and pass such other order or orders.

Counsel for the Petitioner: MR.S.SATYAM REDDY (Note Present)

Counsel for the Respondent Nos.1 and 2: MR.M.V.S.SURESH KUMAR

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the 2nd respondent in issuing the impugned proceedings No.SC/A1/89/2001, dated 18.04.2003 as confirmed by the 1st respondent in Proceedings No.SC/A1/89/2001, dated 21.10.2004 as arbitrary and illegal, the present writ petition is filed.

The petitioner was appointed as a Technical Officer in the respondent Society by proceedings No.SC/A.1098/85, dated 04.09.1985 on a consolidated pay. His services are being continued from time to time. His case was recommended for regularization. But by proceedings No.SC/A1/89/2001, dated 18.04.2003, the 2nd respondent has terminated the services of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent. As the 1st respondent did not dispose of the same, the petitioner filed a W.P.No.16050 of 2004 before this Court, wherein this Court directed the 1st respondent to dispose of the said appeal. Accordingly, the

1st respondent disposed of the appeal, rejecting the same, as per proceedings dated 21.10.2004. Challenging the same, the present writ petition is filed.

A detailed counter affidavit has been filed on behalf of respondents, stating that there is no post of technical officer in the staffing pattern of the respondent society and also no other suitable post of such nature is available in the district society and hence there is no need to continue the petitioner in service.

None appears for the petitioner either in the forenoon or afternoon when the matter is

taken up. The learned standing Counsel appearing for the respondents contended that as there is no vacancy, the case of the petitioner cannot be considered, and the impugned reasoning order does not suffer from any legal infirmities so as to call for interference by this Court.

The petitioner contends that an appeal has been preferred against the termination orders dated 18.4.2003. But as seen from the impugned proceedings, the 1st respondent pointed out that no appeal dated 30.04.2003 find place on record. However, taking into consideration of G.O.Ms.No.112, the impugned order has been passed. Though the petitioner fulfilled certain conditions with regard to educational qualifications, age and minimum period of service by the cut off date, his case was not considered due to lack clear vacancy. As such the case of the petitioner cannot be regularized. The impugned does not suffer from any serious incurable legal infirmities so as to call for interference by this Court. The writ petition is devoid of merit.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Dated: 25.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector/Chairman,

District S.C.Service Co-operative

Society Limited, Adilabad

2. The Executive Director,

District S.C.Services Co-operative

Society Limited, Adilabad

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